IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION(LODGING)NO.1208 Of 2007

Shri.Prashant Kumar J. Shetty ... Petitioner

V/s.

The Municipal Corporation of Greater Mumbai & Ors. ...Respondents

ALONGWITH

WRIT PETITION(LODGING)NO.1215 Of 2007

Smt.Farida Iqbal Khan ...Petitioner

V/s.

The Municipal Corporation of Greater Mumbai & Ors. ...Respondents

Shri.G.V. Murti i/b. M/s. C.R.S. Mishra & Co. for Petitioners.
Ms.A.R. Joshi for BMC/Respondent.

CORAM : V.M. KANADE, J.

DATED : 25th JUNE, 2007.

P.C:-

1. Heard learned counsel for Petitioners and learned counsel for Corporation.

2. These petitions can be disposed of by directing the Senior Inspector(Licence),K-East Ward to decide the applications which are filed by the Petitioners herein, by passing reasoned orders after giving personal hearing to the Petitioners or their Representatives.

2. Grievance of the Petitioners in both the petitions is that no licence U/s.394 of MMC Act is required for the purpose of carrying on business of transportation of goods and storage of goods. It is submitted that the Respondent-officer of the Corporation has rejected their applications without passing reasoned orders. It is submitted that therefore, said orders may be set aside and direction may be given to the Respondent-officer to pass reasoned orders.

3. In Writ Petition(Lodging)No.1215, the Petitioner is carrying on business of transportation of goods. It is his case that under the Provisions of Section 394(1) of MMC Act, no licence is required for carrying on the said business. It is mentioned in the impugned order that since the Petitioner has failed to produce relevant documents, his application is 'filed'. It is further stated therein that the Petitioner may apply through S.A.P.(New Computer System) after submitting all required documents and N.O.C. from Chief Fire Officer. This discloses that this order, therefore, does not say whether his application has been rejected or whether the Petitioner is required to submit his application through the New Computer System which is introduced by the BMC.

4. In Writ Petition(Lodging)No.1208, same order has been passed by the Respondent-officer herein.

5. Therefore, it would be appropriate if the Respondent-officer states in clear terms as to whether the applications of the Petitioners have been rejected and if so, Respondent-officer may pass reasoned orders as to why their applications are rejected. If the applications are not rejected, then the Respondent-officer may scrutinize the applications and thereafter, decide the applications in accordance with law by passing speaking orders.

6. The Respondent-officer to decide the applications within a period of four weeks. In the meantime, the Respondents shall not take any steps against the Petitioners. With these directions, Writ Petitions are disposed of in the above terms.

V.M. KANADE, J.